

**Congress of the United States**  
**Washington, DC 20515**

September 16, 2021

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
2801 Nebraska Ave., NW  
Washington, DC 20528

The Honorable Xavier Becerra, J.D.  
Secretary of Health and Human Services  
U.S. Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, DC 20201

Dear Mr. Secretary Mayorkas and Mr. Secretary Becerra:

We write to address the immediate concerns of the Haitian Diaspora in light of the 7.2 magnitude earthquake that devastated Haiti on August 14, 2021. Over two thousand Haitians were killed and twelve thousand more have been seriously injured as a result of the earthquake, and many cities have been reduced to rubble. More than 137,000 homes were damaged or destroyed, and according to the United Nations, 650,000 earthquake victims require humanitarian assistance.<sup>1</sup> This earthquake struck areas of Haiti that were already experiencing extreme vulnerability<sup>2</sup>, with some 4.1 million Haitians—more than a third of the total population—living with food insecurity, and 2.1 percent of children suffering severe malnutrition.<sup>3</sup> All of the conditions leading to the Biden Administration’s original Temporary Protected Status (TPS) redesignation on May 22, 2021, the assassination of President Jovenel Moïse on July 7 and now the August 14 earthquake and subsequent tropical storm make safe return to Haiti completely impossible. In response to these ongoing events, we ask the Administration urgently consider the following actions:

**Indefinitely halt deportations to Haiti, release detained Haitians and support administrative closure of removal cases**

Starting on January 13, 2010, the day after the last earthquake, the U.S. government halted all deportations to Haiti for about eleven months.<sup>4</sup> The Biden Administration should follow suit, prioritize humanitarian relief over increased enforcement, and instruct the U.S. Immigration and Customs Enforcement (ICE) to immediately suspend deportations and expulsions indefinitely for noncitizens who pose no threats to public safety or national security. The Haitian government’s ability to safely receive its citizens will take months, if not years, to secure. Furthermore, consistent with Sec. 241 of the Immigration and Nationality Act and the accompanying regulations at 8 CFR Sec. 241<sup>5</sup>, Haitians with final removal orders should be released from immigration detention if they pose no threat to public safety or national security because there is no significant likelihood of their removal in the reasonably foreseeable future. Recently Attorney General Garland restored the authority of immigration judges and the Board of Immigration Appeals to administratively close deportation proceedings nationwide.<sup>6</sup> ICE

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<sup>1</sup> USAID Earthquake Fact Sheet #12 (Sep. 10, 2021). Available at: <<https://reliefweb.int/report/haiti/haiti-earthquake-fact-sheet-12-fiscal-year-fy-2021>> [Accessed 14 September 2021].

<sup>2</sup> Human Rights Watch. World Report 2021: Rights Trends in Haiti. © 2021 by Human Rights Watch.

<sup>3</sup> Ibid.

<sup>4</sup> Preston, J., 2010. In *Quake Aftermath, U.S. Suspends Deportations to Haiti*. [online] Nytimes.com. Available at: <<https://www.nytimes.com/2010/01/14/world/americas/14deport.html>> [Accessed 8 September 2021].

<sup>5</sup> INA § 241(b)(3)

<sup>6</sup> 28 I&N Dec. 326 (A.G. 2021)

attorneys should be instructed to join motions to administratively close the cases of eligible Haitians in removal proceedings because they cannot be safely removed under current conditions.

### **Update the TPS “continuous presence” eligibility cut-off date and provide DED protections**

The Administration appropriately updated the eligibility cutoff date for TPS to July 29 after the July 7 assassination of President Moïse. Given the destruction of the August 14 earthquake and subsequent tropical storm, the Administration should once again update the eligibility cutoff date to August 14 or later. Additionally, the Administration should issue a Deferred Enforced Departure (DED) designation for Haitians in the U.S. because current processing times for TPS and Employment Authorization Document (EAD) applications can take up to one year. The most efficient way to provide continuous protection from deportation for Haitians is to provide them with DED status.

### **Provide humanitarian parole for Haitians arriving at the United States/Mexico Border**

The United States continues to turn away thousands of migrants arriving along the southern border, including Haitians seeking refuge. In fact, the Haitian Bridge Alliance estimates that between 5,000 and 10,000 Haitians are currently stranded in Mexican border towns.<sup>7</sup> Unlike other migrants awaiting entry at the U.S.-Mexico border, Haitians have been prevented from seeking protection since the commencement of the 2016 metering policy, which was culminated by their subsequent exclusion from Migrant Protection Protocols (MPP), and then the Title 42 ban. Simply put, no legal (and legally required) avenues to protection have existed for Haitians at the border since 2016. The Department of Homeland Security (DHS) Secretary has the discretionary authority to parole Haitians into the U.S. on a case-by-case basis.<sup>8</sup> Humanitarian parole should be broadly considered and used for Haitians who have been awaiting entry to apply for asylum, some for years and others in the aftermath of President Moïse’s assassination. We urge the Administration to take immediate steps to encourage and empower agents and officers to grant humanitarian parole.

### **Reinstate the Haitian Family Reunification Parole Program**

Your Administration can provide additional relief by reinstating the Haitian Family Reunification Parole (HFRP) Program<sup>9</sup>, which would allow certain eligible U.S. citizens and lawful permanent residents to apply for parole for their family members in Haiti who have approved immigrant visa petitions but cannot reunite with family members due to the years-long backlog in visa processing. The previous administration weakened and sought to terminate HFRP, and President Biden made a campaign pledge to rebuild it in October 2020.

### **End barrier to Haitian vaccine distribution**

The Administration must leverage state agencies and the Haitian Diaspora to scale up their current COVID-19 distribution plan in Haiti. We know to date that “500,000 vaccines were sent to Haiti through COVAX, and only about 25,000 of them, or 5% have been utilized to date.”<sup>10</sup> This vaccination rate is also true of the vaccines sent over to Haiti by the U.S. and other international actors. Therefore, it is

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<sup>7</sup> Abdalla, J., 2021. *Calls grow to stop US deportations to Haiti amid political crisis*. [online] Aljazeera.com. Available at: <<https://www.aljazeera.com/news/2021/7/15/rights-groups-call-on-us-to-end-deportations-of-haitian-migrantsremain>> [Accessed 8 September 2021].

<sup>8</sup> INA Sec. 212(d)(5)

<sup>9</sup> USCIS. 2021. *The Haitian Family Reunification Parole (HFRP) Program*. [online] Available at: <<https://www.uscis.gov/humanitarian/humanitarian-parole/the-haitian-family-reunification-parole-hfrp-program>> [Accessed 8 September 2021].

<sup>10</sup> Miller, B., 2021. *Quake Latest Barrier to Vaccine Distribution in Haiti, But ‘Hope on the Horizon’*. [online] The Tablet. Available at: <<https://thetablet.org/quake-latest-barrier-to-vaccine-distribution-in-haiti-but-hope-on-the-horizon/?gated=true>> [Accessed 8 September 2021].

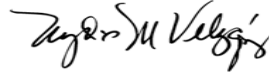
important that the United States acknowledge that Haiti will not be able to move forward until they are able to have a firmer handle on the spread of the coronavirus. We urge the Administration to take immediate steps to use all resources available to combat the spread of COVID-19 in Haiti.

Thank you for considering this urgent request. We look forward to working with you on this issue over the coming days and weeks.

Sincerely,



Ayanna Pressley  
Member of Congress



Nydia Velázquez  
Member of Congress

s/  
Alexandria Ocasio-Cortez  
Member of Congress

s/  
Tom Suozzi  
Member of Congress

s/  
Andre' Carson  
Member of Congress

s/  
Jim Himes  
Member of Congress

s/  
Val Butler Demings  
Member of Congress

s/  
Dina Titus  
Member of Congress

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Frederica S. Wilson  
Member of Congress

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Ruben Gallego  
Member of Congress

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Abigail Spanberger  
Member of Congress

s/  
Donald M. Payne, Jr.  
Member of Congress

s/  
Judy Chu  
Member of Congress

s/  
Dwight Evans  
Member of Congress

s/  
Terri A. Sewell  
Member of Congress

s/  
Eleanor Holmes Norton  
Member of Congress

s/  
Barbara Lee  
Member of Congress

s/  
Bonnie Watson Coleman  
Member of Congress

s/  
Cori Bush  
Member of Congress

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Debbie Wasserman Schultz  
Member of Congress

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Ted Deutch  
Member of Congress

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Thomas R. Suozzi  
Member of Congress

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Juan Vargas  
Member of Congress

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Adriano Espaillat  
Member of Congress

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Katherine M. Clark  
Member of Congress

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Al Lawson  
Member of Congress

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Jamaal Bowman  
Member of Congress

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Ritchie Torres  
Member of Congress

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Hakeem Jeffries  
Member of Congress

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Yvette Clarke  
Member of Congress

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Carolyn B. Maloney  
Member of Congress

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Albio Sires  
Member of Congress

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Anna G. Eshoo  
Member of Congress

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Jan Schakowsky  
Member of Congress

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Sara Jacobs  
Member of Congress

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James P. McGovern  
Member of Congress

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Nikema Williams  
Member of Congress

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William R. Keating  
Member of Congress

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Karen Bass  
Member of Congress

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Mike Quigley  
Member of Congress

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Brenda L. Lawrence  
Member of Congress

s/  
Henry C. “Hank” Johnson  
Member of Congress

s/  
Andy Levin  
Member of Congress

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Gregory W. Meeks  
Member of Congress

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Mondaire Jones  
Member of Congress

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Darren Soto  
Member of Congress

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Sheila Lee Jackson  
Member of Congress

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Ro Khanna  
Member of Congress

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Danny K. Davis  
Member of Congress

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Bennie G. Thompson  
Member of Congress

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Raúl M. Grijalva  
Member of Congress

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Stephen F. Lynch  
Member of Congress

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Jahana Hayes  
Member of Congress

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Gerald E. Connolly  
Member of Congress

s/  
Al Green  
Member of Congress

s/  
Maxine Waters  
Member of Congress

CC: Secretary Blinken, Ambassador. Rice, and Advisor Sullivan: